IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 11771 of 2004

Between:

Sri Venkat Ramulu S/o Naganna R/o H. NO. 3-05, Madanapally village, Gadwal Mandal, Mahaboobnagar District

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Mahaboobnagar, Mahaboobnagar District
2 The Motor Vehicles Inspector, Unit Officer, Gadwal Mahaboobnagar District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or Direction, declaring the action of the 2nd respondent in seizing the petitioner Vehicle bearing No.AP.13V/4325 Under Sec. 8 of APMVT Taxation Act, and U/s 207 of APMV Act. as arbitrary, illegal and further direct the respondent to release the said vehicle to the petitioner forthwith.

Counsel for the Petitioner:MR.P.VENKAT RAO, Advocate.

Counsel for the Respondents : GP FOR TRANSPORT

The Court at the stage of admission, made the following :

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ORDER : (Per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The petitioner's vehicle has been seized when the Motor Vehicles Inspector found on check that tax was not paid from 01.04.2002 to 31.03.2004, vehicle was being run without permit. Fitness Certificate, R.C., I.C. and D.L. were also not furnished. The petitioner contends that the vehicle was kept unused after it met with an accident and it was seized while proceeding from Uppair to Gadwal after completing the repairs. These are the matters which will have to be considered during the enquiry by the respondents, which is yet to start.

In these circumstances, we dispose of the Writ Petition, directing the release of vehicle on payment of tax due. Rest of the matters may be decided by the respondents in the enquiry. Any observations made in this order shall not be taken as expression of our opinion, by the respondents who conducts the enquiry. No costs.

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(Bilal Nazki, J)

12th July, 2004.

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(P.S.Narayana, J)

N.B:-

C.C. in two days.

(B/o)

ajr.

To

1 The Secretary, Regional Transport Authority, Mahaboobnagar, Mahaboobnagar District
2 The Motor Vehicles Inspector, Unit Officer, Gadwal Mahaboobnagar District.

3 Two C.Cs. to the Government Pleader for Transport, High Court buildings, Hyderabad (O.U.T).

4 Two C.D. Copies.